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C O N F I D E N T I A L SECTION 01 OF 02 IRAN RPO DUBAI 000054

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SUBJECT: IRANIAN GOVERNMENT TRYING TO EXERT CONTROL OVER LEGAL
PROFESSION

REF: 2006 RPO DUBAI 0009; RPO DUBAI 0051

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CLASSIFIED BY: Jillian Burns, Director, Iran Regional Presence
Office, Department of State.
REASON: 1.4 (d)

1.(C) Summary: The Iranian government is stepping up efforts to exert control over the licensing of lawyers, a lawyer who works with the Iranian Bar Association told IRPO. The contact believed the goal of such control would be to intimidate lawyers to dissuade them from taking up cases against the government. That said, the contact maintains that there is generally greater freedom of expression now for lawyers than a few years ago. This action appears to be another example of the Iranian government's indirect but insidious efforts to constrain civil society. End summary.

2.(C) A lawyer who works with the Iranian Bar Association told IRPO that the association is increasingly worried about its independence from the government. The contact claimed that the government is attempting to exert control over lawyers, in particular their licensing. He said the current administration is using Article 187 of the May 2000 law on the third economic, social, and cultural development plan -- which reportedly allows the government to license lawyers independently of the bar association -- and that there are a growing number of government-licensed lawyers. The result, according to the contact, is a growing cadre of lawyers in Iran who have undergone a very different (and less rigorous) legal training, and who are more likely to be beholden to the government.

3.(C) The contact mentioned that the International Bar Association visited Iran during summer 2007 and met with officials of the Iranian Bar Association. (Note: A British contact who met the head of the International Bar Association after the group's trip to Iran said Iranian lawyers had expressed worry about expanded application of Sharia law in Iran. End note.)

Legal training

4.(C) Explaining the process of legal education in Iran, the contact said that students enter law school directly from high school and obtain law degrees. According to the licensing requirements of the Iranian bar associations, following law

school, prospective lawyers complete an apprenticeship with a senior lawyer for 18 months during which they also complete a thesis and attend numerous court sessions. After that time, they take the bar exam. There are 15 different bar associations in Iran, including one central bar association, according to the contact. In contrast, the contact said, government-licensed lawyers are not required to do the 18-month apprenticeship or take the bar exam.

Still independent

5.(C) Despite the government attempts to exert control over the licensing of lawyers, the contact maintains that there is more freedom of expression in the legal profession now than there was four to six years ago. For example, some lawyers have criticized the recent government crackdowns on "un-Islamic dress." In addition, as a means of passive political protest, he and many of his colleagues do not vote and some wear ties. (Note: The wearing of ties is a clear political statement in Iran and a passive indication of defiance against a regime that has long railed against western-style clothing. End note.)

But constrained

6.(C) Speaking about rights of the accused -- or lack thereof -- the lawyer said that criminal courts have the right to deny defense counsel permission to speak with their clients during initial investigations. They can also deny defense counsel permission to attend hearings related to their clients. (Note: This practice is common in Iranian courts. Those accused of crimes in Iran are frequently denied access to legal representation. End note.)

7.(C) Comment: Although the government's attempt to exert control over the licensing of lawyers appears mild compared to some of the more egregious actions of the Iranian government, it represents yet another effort to put limits on people's rights.

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Similar to a 2006 action placing NGOs in uncertain legal status (see reftels), this action seems designed to discourage lawyers from taking up civil rights cases against the government.
BURNS